

Resolution No. 99-1

This Resolution amends Resolution 93-3, concerning the registration of solid waste haulers and the establishment of Administrative fees.

REGISTRATION OF SOLID WASTE HAULERS SUBJECT TO SOLID WASTE TIPPING FEES/ADMINISTRATIVE FEE FOR SOLID WASTE OPERATIONS AND ACTIVITIES

WHEREAS, the State of Indiana has mandated that the State be divided into solid waste management districts, and the County of Boone constitutes one of said solid waste management districts, and the Boone County Solid Waste Management District is governed by a Board of Directors which has determined that the registration of solid waste haulers is necessary and further that administrative fees are further necessary in conjunction with the solid waste plan implemented by the Board of Directors to comply with state law and, in addition, under the provisions of Home Rule & I.C. 13-21-3-12 (16) & (17) [originally resolved under 93-3 per the prior Indiana Statute I.C. 13-9.5-2-11 (a) (17) since revised.] to provide an appropriate means to fund education and publicity concerning the necessity of reduction, management, and disposal of solid waste and the recovery of waste products from the solid waste stream, and, in an attempt to assure that all those which derive benefit from the services of the solid waste management district and plan, in turn, contribute to the costs of the same, it is necessary to impose nominal fees to accomplish the purposes set forth herein per the provisions of I.C. 13-21-14-1, et.set. [formerly I.C. 13-9.5-9-2 as originally resolved in Resolution 93-3] which allows for a flat charge for each residence or building in use in the Solid Waste Management District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOONE COUNTY SOLID WASTE MANAGEMENT DISTRICT AS FOLLOWS:

Section 1. Definitions. For the purpose of this resolution, the following terms shall have the meanings described to them as follows:

- a) “Solid waste hauler” shall have the meaning as follows: Any owner or operator of a solid waste hauling company, independent contractor, or private individual which provides solid waste disposal service to Boone County or which benefits residents, businesses, or others, which reside or do business in Boone County or otherwise derive benefit from the Boone County solid waste district.
- b) “District” shall mean for the purpose of this resolution the territorial limits of the County of Boone, State of Indiana.
- c) All other definitions as provided in Resolution No. 93-1, specifically pertaining to solid waste, solid waste land disposal facility, solid waste facility, solid waste processing facility, sanitary landfill,

construction/demolition site, clean fill site, open dump, open burning, transfer station, recovery, resource recovery, resource/material recovery facility, composting, composting facility, composting/digester facility, incinerator, restricted wastesite, recycling, and hazardous waste, as set forth in the resolution of this Board adopting the same, shall be incorporated herein by reference as if specifically set forth herein.

Section 2. All solid waste haulers, as previously defined herein, shall be required to register and obtain a permit from the Boone County Solid Waste Management Board while providing solid waste collection/disposal services within the Boone County solid waste district. The waste haulers shall provide, on a form provided by the Solid Waste Management Board, the following information: Haulers full name; address; daytime telephone number; emergency phone number; and designated responsible person to be in contact with concerning their day-to-day operations; general location of the waste hauler, and route designation of various areas served within the waste disposal district, and where possible, maps of service territories.

The waste haulers should encourage recycling, provide for a recyclables collection method, and shall be responsible for identifying recyclable items. Further, said haulers shall report, quarterly, to the district, the total volume of solid waste collected, and the percentage or amount that was recycled.

Section 3. The Solid Waste Management District may impose a fee for the issuance of the license reasonably associated with the cost of its issuance and the record keeping requirements associated therewith. Said license shall be issued at the inception of this resolution for the amount of Fifty-two Dollars (\$52.00) per vehicle. Annual renewals shall be required with the cost established as the same amount of issue expense.

Section 4. Boone County Solid Waste District Fees.

- (a) There is hereby imposed, pursuant to the authority of I.C. 13-21-14-1, et.set. District Solid Waste Fees that apply to all persons owning real property benefited by waste collection, a facility for waste disposal, or a facility for waste processing within the Boone County Solid Waste Management District.

Pursuant to the statutory authority granted to the Board, the basis for fixing this fee shall be a flat charge of One Dollar (\$1.00) per month for each residential building in use in the Boone County waste management district.

In addition a fee of Twenty-five Cents (\$0.25) per cubic yard per pick-up/haul, on a monthly basis, is imposed on Industrial/Commercial property owners or generators of solid waste.

The fees set forth in this paragraph are established pursuant to the authority of the Indiana Solid Waste Law and the provisions of Home Rule. The percentage of reduction follows the original intent of the Indiana Legislature as set forth in House Bill 1240, enacted as P.L. 10 - 1990.

Said fee shall be deposited to the Boone County Solid Waste Management District fund and shall be used for the continuing purpose of administering and implementing the Boone County solid waste district plan, to include, but not be limited to, the education of the public as to the necessity for the reduction, management, and disposal of solid waste and the recovery of waste products from the solid waste stream, all as mandated by state law.

- (b) Pursuant to the reasonable discretionary authority granted to this Board by state law, under I.C. 13-21-14-2, the Board determines that the residential real property within the municipalities of Lebanon and Zionsville should be temporarily excluded from the provisions of this resolution upon its implementation until such time as residential waste and recycling collection contracts, currently in effect, expire with each of said municipalities. Both units of municipal government currently having recycling/solid waste collection programs and contracts in effect. Both municipalities shall, however, upon expiration of their current residential solid waste/recycling agreements, require as part of the bidding specifications for future service to their municipalities, and include the provisions of this resolution implementing a fee per residence of Twenty-five cents (\$0.25) for a residential building in use as they are within the Boone County Solid Waste Management District. Said fees shall be included as part of the negotiated cost for continuing services to those two municipalities.

Section 5. It shall be the responsibility of the haulers of solid waste, within the Boone County Solid Waste Management District, which are subject to the provisions of this resolution, to collect the stated per month fee imposed upon those benefiting from solid waste management within the Boone County Solid Waste Management District. The owner or operator of a waste hauling service organization is responsible for the collection and accounting of the fee imposed hereunder and shall be properly registered as previously set forth in this resolution. The hauler is to collect and remit the total amount due the District, and, upon submission to the District of such funds, the hauler shall be entitled to compensation for the collection service provided in the amount of ten (10%) percent of those funds collected and remitted to the District for this administrative task.

Section 6. The Solid Waste District Board may require the solid waste hauler to file a surety bond in an amount equal to the monthly fee set forth herein times the normal average number of customers served by the waste hauler in the previous year prior to registration and/or renewal of said annual permit. The surety shall be conditioned upon the keeping of accurate records and the making of full and complete reports and payments of the fees collected hereunder. Should the waste hauler registrant file such a surety bond, the bond must: (1) be with a surety company or financial institution approved by the Indiana Department of State Revenue; and (2) name the registrant as the principal and the Boone County Solid Waste Management Board as the obligee.

Section 7. The Boone County Solid Waste Management District shall issue a permit for each vehicle operating within the district.

Section 8. Penalties.

- (a) In the event fees established by Section 4 of this Resolution are not remitted by persons owning real property or generating solid waste within the District, who are benefited by Solid Waste Management, solid waste collection, a facility for solid waste disposal, or a facility for solid waste processing, shall be subject to the penalties for late payment outlined in I.C. 13-21-14-8. Said fees are to be collected, through the provisions of Section 5, on a monthly basis, and remitted to the Solid Waste District by haulers registered in the District. The owner of real property, or the person/entity generating solid waste within the Boone County Solid Waste Management District which benefit(s) from Solid Waste Management, or solid waste collection, shall be liable for the amount due for such collection, (i.e. the monthly charge for the property established by Section 4 of this Resolution), in addition to a penalty of twenty-five dollars (\$25); and a reasonable attorney's fee; which may be recorded in a civil action filed against the responsible party as taken in the name of the Boone County Solid Waste Management District.
- (b) Any individual, person, corporation, or entity found to be in violation of the provisions of this Resolution, other than the payment of monthly fees as set forth in Section 4 hereof, may be fined a sum not in excess of Two Thousand Five Hundred Dollars (\$2,500) per violation.
- (c) Should the Board of Directors of the Boone County Solid Waste Management District, be required to seek injunctive relief from the Courts of Boone County for a determination of violations, other than non-payment of fees as outlined hereinabove in Section "a", then, and in that event, they shall seek an additional penalty of not less than One Hundred Dollars (\$100) per day for each day the violation remains in existence and, to seek further penalties of any sum up to a maximum of Five Hundred Dollars (\$500) per day for each day the violation continues to exist after injunctive relief is granted or other court-ordered requirements are imposed.
- (d) Notwithstanding other statutory designations, funds collected under the provisions of this Resolution shall be designated for the use of the Boone County Solid Waste Management District and the implementation of the Boone County Solid Waste District plan.

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Section 9. Severability. Each section, subsection, sentence, clause and phrase of this Resolution is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Resolution to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Resolution.


Section 10. Effective Date. This Resolution shall be in full force and effect from and after its adoption and any publication as may be required by law. All former Resolutions in conflict herewith are hereby repealed. Pursuant to I.C. 13-21-3-12 (17), this Resolution shall have the same effect as law.

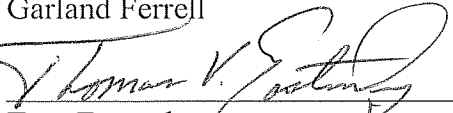
ALL OF WHICH IS RESOLVED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE BOONE COUNTY SOLID WASTE MANAGEMENT DISTRICT, LEBANON, INDIANA, ON THE 10th DAY OF AUGUST 1999.

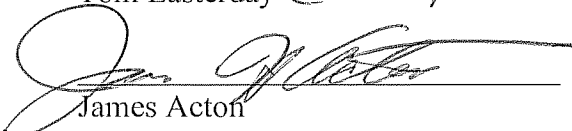
BOARD OF DIRECTORS OF BOONE COUNTY
SOLID WASTE MANAGEMENT DISTRICT,
INDIANA

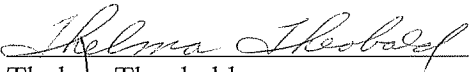
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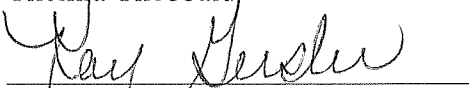

Robert Dull


Garland Ferrell

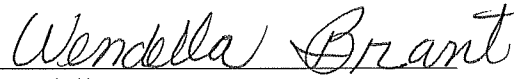

Tom Easterday


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